

4. Defendant Citibank NA (“Citibank”), is a New York business entity with an address of 399 Park Avenue, New York, New York 10043, operating as a collection agency, and is a “debt collector” as the term is defined by 15 U.S.C. § 1692a(6).

FACTS

5. Within the last year, Citibank began calling Plaintiff’s cellular telephone, number 404-xxx-7407, using an automatic telephone dialing system (“ATDS”) and/or using an artificial or prerecorded voice.

6. When Plaintiff answered calls from Citibank, she heard a prerecorded message.

7. In or around February 2018, Plaintiff spoke with a live representative and requested that all calls to her cease.

8. Nevertheless, Citibank continued to place automated calls to Plaintiff’s cellular telephone number.

COUNT I **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –** **47 U.S.C. § 227, et seq.**

9. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

10. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

11. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

12. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

13. Plaintiff was annoyed, harassed and inconvenienced by Defendant's continued calls.

14. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: September 12, 2018

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.

Attorney Bar No.: 598666

Attorney for Plaintiff Helene Mapp

LEMBERG LAW, L.L.C.

43 Danbury Road, 3rd Floor

Wilton, CT 06897

Telephone: (203) 653-2250 ext. 5500

Facsimile: (203) 653-3424

Email: slemberg@lemborglaw.com